



UNIVERSITY
OF NATAL

CASS

DURBAN

THE SOCIAL FOUNDATIONS OF HUMAN RIGHTS:
THE PROBLEM OF DEVELOPING AND PLURAL SOCIETIES

Lawrence Schlenmer

DOCUMENT AND MEMORANDUM SERIES

Centre for Applied Social Sciences

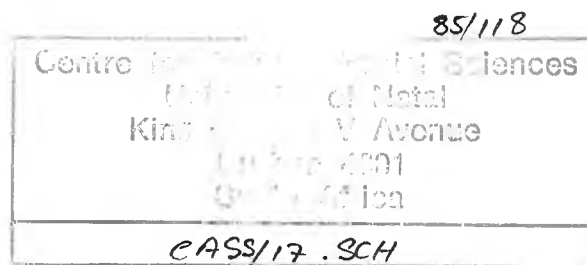
Sentrum vir Toegepaste Maatskaplike Wetenskappe

UNIVERSITY OF NATAL

DURBAN

THE SOCIAL FOUNDATIONS OF HUMAN RIGHTS:
THE PROBLEM OF DEVELOPING AND PLURAL SOCIETIES

Lawrence Schlenmer



Centre for Applied Social Sciences
University of Natal
Durban

June 1979

1.

Dr David Owen, the British Foreign Secretary, in his very recent book, *Human Rights* (1978; 42-3) alludes briefly to the social roots of systems of human rights in the following words (referring to the Soviet Union): 'We must assert our Western values unhesitatingly - we should make it clear we shall not compromise. But we must recognise that change involves human behaviour and that can come only by *evolution*. Behavioural change rarely comes rapidly and even when it does, it is either so volatile that it only increases instability, or it carries the rigidity that so often goes with conversion.' (Italics mine)

On Southern Africa, after saying on page 92, 'Our task, if we are to remain true to our democratic and human values, is to demonstrate beyond any shadow of a doubt that democratic change can be brought about *rapidly* and *effectively* by peaceful means.' , he says on page 94 (2 pages later), 'Change of this kind (towards a fully democratic society in South Africa) *will not take place overnight*. We are attempting to transform human behaviour, to alter prejudices and practices which have become ingrained in the last century and a half.' (Italics mine)

With some disturbing inconsistency, therefore, Dr Owen relates human rights to 'human behaviour' which may be 'ingrained', that is, deeply rooted in social institutions which are resistant to moral persuasion. Unfortunately, Dr Owen does himself and his policies a disservice by using terminology which is somewhat vague, general and unelaborated. The Black or Third World critic of his arguments will too easily misread the quotes I have given above and see them as pallid excuses for self-interested British pragmatism. If policies adopted by Western nations vis-a-vis the non-Western world in the arena of human rights are to have longer term thrust and balance and be convincing, the social, economic and political preconditions for human rights must *be more clearly and precisely understood* and more vigorously enunciated.

It often appears to me that the foreign policy realists of the West (both lawyers and politicians) are kept on the run as it were, and have their stances dislodged by very well-meaning moralists and idealists. This is both good and bad. It is good for motivating a constant Western concern for human rights in Southern Africa, but bad for judgement, policy stability and effectiveness. If Dr Owen is right and mere moral

exhortation cannot alter 'ingrained' social conventions, then, short of coercion, the West must work for the emergence of social conditions conducive to democracy and human rights.

Some lawyers, steeped in the tradition of current liberal legal philosophy, have understandable difficulties with arguments about the social foundations of human rights. For them, much of the sociology of law seems too antiformalistic, detracting from what is called the 'dignity of law' or appearing to dissolve law into broader concepts like 'social control', 'social order' or even 'norms'. It is not my intention, however, to negate the independent force of a legal tradition in the struggle for human rights. Following the Weberian tradition, I will, at a later point, emphasise the importance of that system of institutionalised and codified values and norms, embodied in an authoritative modern 'estate' (the legal profession and its enterprise) which one may call the distinctively legal. In so doing I will attempt to assess how influential and autonomous the legal tradition can be in a hostile societal environment; and also attempt to consider how the autonomy and independent force of the legal estate may have come to exist.

Any explication of the social foundations of human rights is really an account of why and how the modern democratic state has come to exist. Needless to say, this history has been complex and therefore this discussion must perforce be superficial.

Human rights are part of what may be called 'democratic responsiveness' in a society; the type of interplay of forces and structures out of which an open franchise and the protection of civil liberties can emerge. There is a range of necessary conditions for the emergence of democratic responsiveness, suggested by the social history of Western society, no single one of which is a sufficient condition by itself. These conditions will be discussed below, in the light of Western history, in no particular order of importance. (I should note that I am not unaware of the failings of modern democracy. It is, however, a useful starting point in the analysis.)

1) Universalist Values and Non-Conformist Religion

Religious tolerance was in many ways the precursor of wider freedoms. A particularly important event for Britain was perhaps the conflict between viewpoints which raged after the defection of Henry VIII,

a period of collective uncertainty which created basic conditions favourable to religious tolerance. More generally, however, the Reformation, in asserting the notion of all men as a single society - the body of Christ - raised the dignity of the common man. All men had souls and all men shared an essential unity, the 'city of man' in the image of God. (See, for example, Troeltsch, 1960) This effect was reinforced by Calvinism and Puritanism, both of which stressed the independence of church from state, introducing an important 'pluralism' in moral authority. This division of status protected influences on the religious 'left' which would have been suppressed in a state church (Jordan, 1932-1940) These developments brought for Northern European history a vital era in which non-conformists began to be tolerated in the societal community.

This was a religious movement of high intensity and fervour, carried by individuals of impeccable social and moral credentials, even marked asceticism, who were capable of great sacrifice. Their great 'respectability' gave them political protection. Similarly non-conformist movements of a political nature would have been a direct threat to the states of the day and probably suppressed.

What was important about these movements was the resultant pluralism of authority - the fragmentation of moral power in society and the precedent of the acceptance of non-conforming social groups. Third World development can hardly duplicate this process, since religious conversions of the same type by the same sort of highly respected citizenry are unlikely. Marxism-Leninism or various kinds of Socialism are perhaps equivalent to religious conviction but these movements aim directly at political power and if and when successful tend to establish or enforce a formal coincidence between state ideology and popular belief-systems as well as the exclusion of non-conformists from the societal community. It is highly unlikely that the world will soon again experience a movement with such powerful social consequences as the Reformation and the emergence of the protestant ethic in Europe.

2) The Breaking of Centralised Authority by New Influence Groups: Power and Status Differentiation

Unlike, say, France, where even a great revolution failed to establish democracy in the short run, England and Holland provide us

with another example of a precondition for the emergence of democracy. Whereas France had an aristocracy which was highly dependent on the central royal house, in England this aristocracy was diffuse and became a separate constituency of power with great status. The same can be said of the 'gentry'. The authority and leverage of both was underpinned by their vigorous involvement in an agricultural market economy. In Holland the same status and influence was achieved by powerful merchant groups in urban communities, coherently organised and emerging as a strong political constituency. In both countries these 'intermediate' levels of influence helped to challenge and fragment the centralisation of power. (For fuller discussion see Parsons, 1971)

In this situation of relative power pluralism, other institutions, like the legal system, were able to benefit and increase their leverage in society. Lawyers became a mediating 'interface' in the course of their involvement in commercial and land transactions, which very often involved protecting the rights and privileges of individual noblemen, traders or farmers. In Germany, according to Dahrendorf (19) legal evolution took a somewhat different course with the rule of law (Rechtstaat) becoming established without it really offering protection to individual liberties in civil matters.

In his *The Idea of Law*, Lloyd (1964) discusses the possible role of law in society. While he concedes that legal prescription in conflict with prevailing community values and social forces is a 'dead letter', he argues that law and the legal profession under certain circumstances can become a powerful directing force. These circumstances were favourable in North Western Europe before the emergence of democracy; as an authoritative agency standing between conflicting parties it acquired the status to begin to express the universalistic values of the Roman-European legal tradition, with very good effect.

What these arguments suggest is that power and status differentiation in society is an important precondition for human rights and democracy. This differentiation need not involve an intermediate aristocracy or landed gentry; it could be any organised social force which enjoys some economic autonomy forming a dynamic balance. More often than not in the previous emergence of democratic

forms this balance has been achieved by a diversity of elites unable to dislodge each other.

In many, if not most third world countries, economic underdevelopment has meant that the educated or economically successful elites are a small component in the society. In Africa particularly, the struggle against colonialism and the efforts of colonial powers to co-opt traditional elites both unified the modern elites of businessmen, professionals and civil servants and weakened the tribal chiefs. The formation of liberation-oriented parties and movements tended to make the power-elite in the emergent states monolithic. Not that there has not been elite competition, but the disaffected or countervailing leaders of regional groups, rival constituencies or particular interest groups have not had the resources or economic independence to resist or balance the influence of the dominant central elite, usually bolstered by a one-party state bureaucracy. Hence economic underdevelopment is accompanied by organisational underdevelopment - most of these societies simply have not had the balance of organisations, elite-groupings and differentiation of economic interest groups to provide a balance to the central power structure. Under these circumstances, even would-be independent professionals and academics all too often have been sucked into the power-ambit of the central web of power and administration.

Eisenstadt (1970) very cogently gives one view in what he calls the dissassociation between elites and the broad social strata in the society as a factor in the breakdown of modernisation. There is also what von der Mehden (1964; 72-3) refers to as the 'one-party captivity of the civil service' - the absence of the balancing or constraining influence of a politically neutral, dedicated civil service, leading to misuse of administrative power. It is difficult to state with clarity whether the one-party system captures the bureaucracy or vice-versa - the effects could be broadly the same. Lofchie (1970) quotes a summary of authors given by La Palombara suggesting the latter, in the sense that 'a strong bureaucracy in many of the new states tends to inhibit the growth of strong executives, voluntary associations and other political institutions essential to viable democratic government' (p279). As Lofchie's analysis proceeds, however, it appears that his broad assessment of the African situation is that the unsupervised,

pervasive and inevitably increasingly corrupt bureaucracy helps weaken, or coincides with weakened, *representative* structures - parties, voluntary associations and the like. The top echelon of the political elite, the personalistic 'leader' or 'cabinet autocracy' (Lofchie's term) leaves planning and administration to the bureaucracy and in turn in a sense, is left to its own devices, pursuing symbolic goals of legitimisation of its own regime and creating the conditions for its continued popularity (which can easily include terrorising political opponents). Here Mazrui (1970) adds a dimension to this understanding with his assertion of the 'monarchical tendency' in African political leadership - arising out of the spiritual basis of traditional rule, the need to reassert dignity and esteem in the face of racial humiliation (or continuing underdevelopment) and the need to symbolise national identity in new, very often ethnically heterogeneous societies.

Democracy and human rights cannot survive or develop in such decidedly asymmetric power and organisational arrangements. De Schweinitz (1964; 10) says: 'If the state is non-democratic, as it is likely to be in impoverished societies, the growth process will not throw up those autonomous centers of power and pressure which in the previous century acted as vehicles for political reform.' The outlook for democracy in the third world is not favourable in the short to medium term.

3) A Minimum of Basic Value Consensus or the Need for Popular Legitimacy of Government

It was important for the development of democracy that Europe emerged slowly from Feudalism under conditions that generally favoured the increasing welfare of the common man. Feudalism had tightly prescribed the status and influence of various classes and estates and although there were outbreaks of discontent, the social gradings were generally so pervasive that the sense of protest was blunted. Europe had a generally favourable climate and people did not normally live in semi-famine (unlike many parts of the third world). The growth of large market centres, trading and small-scale production prior to the industrial revolution provided some outlet for the aspirations of the gifted, energetic and skilled. Most important of all, there was no alternative model of mass wealth and affluence - the privileges of the elites were legitimated by aristocratic myths. The result, very broadly and very oversimplly stated, perhaps, was that expectations

did not outrun a growth in welfare. In Britain, when certain privileged 'commoner' classes had obtained some access to power, a tradition of democratic reform could become established *before* very serious threats to the stability of the public order could emanate from the emergent industrial working classes during the early industrial period. This tradition, established in an earlier period of 'contained' protest and low expectations among the masses, formed a mould for the subsequent emergence of wider rights. Franchise rights and other civil liberties were extended as a means of *protecting* that tradition without the threat of the social order being overwhelmed by mass-expectations: the society had become sufficiently differentiated to avoid a destructive elite-mass confrontation. (For a very full discussion see de Schweinitz 1964.)

History no doubt provides many contradictions and exceptions but it does seem that in Britain, to take an exemplary model of the emergence of democracy and human rights, the evolution of ever-widening participation and citizen protection was not threatened by the articulation of mass emotion at too early a stage. In France, the revolution had permitted this and then soon after contained and repressed it under the Jacobin dictatorship (equipped with the now familiar rationalisations of the 'General Will'). In other words, however artificial and constrained it might have been, England had the benefit of an *effective* minimum consensus, or at least an *effective* absence of highly threatening mass discontent.

The third world situation is markedly different. Firstly, the welfare of the masses is more often than not stagnant - the elites may be increasing in welfare but low growth, the inappropriate spread of growth and high population increases leave the masses of the population in a semi-famine situation. Secondly, western-oriented academic education as well as the knowledge through the media of mass affluence elsewhere has created a sense of high relative deprivation. Thirdly, the wealth of the elites is legitimated normally only by education, or power or very new symbols, not by the pervasive myths of royal, aristocratic, or genteel status, as in post Feudal Europe. Fourthly, the societies are relatively undifferentiated - there is no gradation of classes (Upper, Upper-middle, Middle, Lower-middle, 'Respectable Poor', Poor, etc.) as there was in 19th century Europe.

These factors combine to present many third world societies with a situation of latent mass-elite confrontation. In my own experience, the partly educated son or daughter of a subsistence farmer in Lesotho, Swaziland, Malawi, Botswana or Zambia tends to have much higher aspirations than even the present-day son or daughter of a tradesman or small farmer in many parts of Europe. Demonstration effects from the developed world have been alluring and powerful in Africa. Often the basic consensus about the system in Africa is very tenuous and to a lesser or greater extent coercion protects the social order. The acceptability of government is further undermined by the presence of a corrupt and unsupervised bureaucracy referred to in the previous section. A major point is that, due perhaps to the time of the emergence of new states - the era of welfare capitalism and socialism - the political culture stresses welfare norms in the new states before the economy has generated sufficient resources to meet these demands. (See Lofchie, 1970)

The establishment of a coerced or artificial consensus over time (perhaps legitimised by African Socialist slogans and beliefs, and a genuine growth in mass welfare (if that occurs) will slowly erode this crisis of popular legitimacy. Once again, however, on this score the prospects for short to medium term improvements in political freedoms in developing Africa are auspicious, to say the least.

4) Basic Attitudes to Conflict

In his *Society and Democracy in Germany*, Dahrendorf (1967) variously mentions the need in a democracy for a tradition of rational conflict regulation. What is perhaps required is a collective experience of the way in which inter-party, inter-group or inter-class conflict can be channelled, regulated and rationally resolved within a framework acceptable to both parties. This rational approach to conflict regulation requires that conflict is seen to be inevitable, meaning that the form of control rather than the elimination of conflict becomes emphasised, and that contending parties are likely to adhere to the rules of negotiation and settlement.

In the new states of Africa, there is perhaps so much necessary emphasis on the need for national unity and in the absence of strong legitimacy for government, on the need to maintain the appearance of

consensus, for conflict to be acknowledged and accepted. The political culture which prevails hence contains no normative alternative to the repression of dissent.

5) Individualism

Weber, in his well-known thesis *The Protestant Ethic and the Spirit of Capitalism* (1930) and *The Protestant Sects and the Spirit of Capitalism* (1970) gave the by now oft-repeated analysis that Protestantism in general and the Puritan sects in particular produced a powerful spirit of individualism, related to the notion of proving oneself before God and proving oneself among men. The notion was not one of conforming among men but holding one's own - competing - and simultaneously showing more obedience to God than man. This spirit, which naturally spread beyond Protestantism in Western societies represented a radical break from 'patriarchal and authoritarian bondage' of the spirit into capitalist individualism (1948; 321). What was important for democracy was the emergence of a spirit aversive to social and political authority.

In Africa, the involvement of the Christian Church in social matters has been didactic, educational, moral and economic as has befitted the gross socio-economic problems of the region. Conversion from 'paganism' has had to precede the finer nuances of Christian ethic. Also the syncretism of traditionalism and Christianity in the separatist sects and the paternalism of the typical priests and ministers in Africa are far-removed from the spirit of individual responsibility to God. In Africa there is little immediate prospect of the emergence of the bourgeois individualism of Europe which was so vital for the emergence of democracy and civil liberties. The point should be noted that in Britain, for example, the middle class bourgeoisie and the higher classes had established the political corollary of individualism, laissez-faire liberalism, as a prevailing political doctrine *before* the masses were enfranchised. (Lofchie; 1970; 282) Perhaps Africa's mass-enfranchisement has produced strains and demands which the seed-bed societies of democracy in Europe never had to endure.

6) Public Values

Dahrendorf (1967; passim) emphasises the importance of another tradition in a democracy, that of the prevalence of what he calls 'public

virtues' as opposed to 'private values'. Particularly true of Anglo-Saxon society, public values place a premium on propriety. He mentions fair play in sport as one small example of public virtue. Public virtues are the roles people play within a tradition aimed at minimum friction between people and groups. Public virtues are superficial but lead, Dahrendorf says, to contractual reliability. People hide their ethnic preferences. It is a finely cultivated social tradition which one can hardly expect of Africa where ethnic passions and the private delights of status, power and wealth are more openly (more honestly) expressed, to the detriment of the kind of social order appropriate to mass-participation and tolerance.

7) Privileged Non-Conformist Humanist Intellectuals

Weber (Gerth and Mills; 1970; 71-74) expresses a profound pessimism about the prospects for one precondition for the emergence of freedom repeating itself in new societies. His concept of *charisma* included a type of personality which was able to transcend the routines of everyday institutions and escape from established definitions. Avowedly 'elitist' his yeast of freedom was a propertied or privileged and highly educated humanist - mandarins in China, 'gentlemen' in earlier England, French 'cavaliers' and Italian 'cortegiano'. This intellectual was courageous, confident, iconoclastic. Today, in developed societies and in the third world, this type of intellectual is on the defensive against the capitalist 'expert' and the bureaucrat planner, against compulsive executives and dogmatic Marxists or socialists. Technology and centralised power, the tempo of production and the desperate race for development makes Weber's charisma redundant, and with it a vital if subtle component of the tradition of freedom.

8) Education

The level of education has very frequently been associated with the aptitude for democracy and freedom in society. De Schweinitz (1964; 23-26), however, makes a critical distinction between techniques and substantive values in education. The latter, he says, impart to individuals a sense of their own importance to the community and their rights to the privileges of participation. It is therefore the 'intrinsic', not the instrumental aspects of education which are important, and the sense of independence it conveys.

Education as a very important source of freedom can be questioned in the wake of the Nazi era in Germany, but any social survey yields results which show the better-educated to be more tolerant and humane and less authoritarian than others. Africa, with low levels of literacy let alone advanced education, has a patent disadvantage. One must add, as well, that education which is approached single-mindedly as a means of achieving a good job, status and esteem, which emphasises rote-learning and 'results', and which is acknowledged to be *the* preparation for white-collar roles in bureaucracy is severely attenuated in terms of de Schweinitz's criterion.

9) The 'Fear of Freedom' and the Crisis of Africa

Erich Fromm (1960; Ch.II and III) argues cogently that processes of change and modernisation in the late medieval era weakened traditional ties and identities, leaving men feeling alone, isolated and insecure. The Reformation and Calvinism were strongly compensatory, with deeply-felt intrinsic faith playing a compensatory role. Yet this religious spirit also freed men; it contained no new bondage of sacred authority and convention. Today, Muslim populations (Iran) and doubtless populations in Africa find themselves emotionally dislocated by change. The small, clique-like separatist religious groupings of Africa, the conventions of Islam, perhaps offer Africans the same compensations, but without the individualism of deeply personal responsibility to God.

As already indicated, Weber, mindful of this kind of development, said 'the historical origin of modern freedom has had certain unique preconditions which will never repeat themselves.' (Gerth and Mills, 1970; 71)

We cannot depend on the strength of the social bases of freedom in the West. As Fromm (1960; 218 *passim*) said in the forties already, a new conformity coincident with corporate and monopoly capitalism and the mass-media society is emerging - the conformity induced by automation, systematization and anonymous public opinion. ('Other-directed' versus the earlier 'inner-directed' man.) Fromm also points out that the freedom of individualism was a freedom of *abundance* (1960; 250); a condition not possible in a situation of want.

Developing Africa, plagued by want, by the insecurities of change, over-systematised by the superimposition of modern, developed capitalism, technology and planning can be forgiven for 'escaping from freedom' into mass-nationalism, personality cults and non-democratic forms of government and social control. Europe also had the advantage of the emergence of an early 'nationality' before the strains of industrialism and modernisation, which may even have extended to family planning (de Schweinitz, 1964; 245); in Africa a very traditional (pre-medieval?) society was usurped first by colonialism and then by forced modernisation. In the USA and in Europe, the earlier social revolutions had paved the way for 'constitutionalism' as a commonly desired safeguard of individual liberties (at least for some) before the crises of industrialisation (Parsons, 1971; 93, *passim*). For Africa, as Lofchie (1970; 281) points out, the sudden liberation meant that at least four historical 'crises' that Europe and the West endured singly and sequentially are tragically superimposed: the crises of identity, legitimacy, participation and distribution.

10) A Passing Comment for Africa

John Rex (1974; 206) says that 'the fruits of "liberation" of man from earlier forms of social order are now evident in the brutality and anarchy which more and more we take for granted.'

It is not appropriate to despair or to blame or presecibe in a spirit of moral arrogance, but, as Rex says, to 'take the true sociological measure of the task...' Western aid and foreign policy must be based on an understanding of why freedom has failed; an understanding particularly of the *imbalances within developing societies and the lack of cross-cutting and constraining forces*.

This understanding must complement the hope for 'innovative' solutions to political development from Africa. (See Spiro, 1967, Ch. 5) Spiro gives cogent reasons for this hope, which I would express as follows: the fact that 'African Nationalism' has balanced parochial and chauvinistic identity, humanistic formulations of political ideologies (African Socialism, One Party Democracy etc.), regional independence, a sense of solidarity in the Organisation for African nity, and the sheer energy and interest in politics as a means to the realisation of the desirable.

While there is room for the expectation that African politics may be innovative in form, it would be foolish to expect meaningful popular participation and human rights in the full sense in even the medium term future. Furthermore, some of the hope has been pinned on terminology rather than process. Zambian 'Humanism' or Ujamaa in Tanzania are sophisticated modern and humanistically inspiring formulations of political programmes. These are fragile instruments, however; it is the patterning of organization in the societies that counts, for Africa as it has for Europe. Europe and the West is not morally superior to Africa; it simply had the right ingredients at the right time. Instead of moral prescription, these ingredients must be studied.

11) The South African Case: A Plural Society

It has been suggested, then, that freedom or oppression is not simply the result of good or bad intentions but rather the consequence of what tradition and structure allow. Can the same be said of a 'plural' or race society like South Africa?

It will have been evident that most of the problems of black Africa are the problems of South Africa as well. South Africa's Afrikaners imported the essential features of the protestant spirit of individual responsibility and liberty but this spirit underwent a change in the harsh environment of the frontier society and became what Moodie (1974) has called a 'civil religion', inextricably intertwined with the politics of group survival and group imperialism. The fiercely free French Huguenot tradition has all but vanished into a state-church tradition.

While there are and always have been potentially strong political interest groups like big business, for example, in whose interest it would be to have black people *gradually* integrated, the greater anxiety posed by overwhelming black numbers taking over political control entirely (the danger of a 'compact black majority') has inhibited the emergence of forces to balance those represented by the white political elites. Here the plural nature of the society has prevented the fragmentation of power within the white group. Blacks in turn could theoretically provide a countervailing node of power

through organised labour but, quite apart from rigorous suppression, the black working class is too insecure in a surplus labour economy, and also hitherto has been unable to master the extremely difficult problem of organization and mobilisation which the situation requires. The same broad assessment can be made for black political movements.

In white party political activity, the ethnic divisions between English and Afrikaans-speaking voters, over the past 20 years and at important times before, ensured the Afrikaans group of a compact majority of voters with party loyalty founded on ethnic grounds rather more than on policy issues. The opposition parties, at the moment largely English-speaking, have a demographic ceiling to their voting support which renders them almost irrelevant to the political process. The more relevant conflicts over policy issues occur *within* the dominant white ethnic party, but in these conflicts many of the more critical human rights issues affecting the majority are of minor consequence.

Because of its ethnically plural structure, therefore, the opposing political forces and interest groups are completely unbalanced: the country has what is tantamount to a one-party state or single-party dominated state, based on tribal allegiance, that one may encounter elsewhere in the third world.

The whites' 'identity crisis' in this plural society has been formulated as one of minority-group survival, for which power-dominance has been seen as essential. Combined with race discrimination of a more familiar variety, this has created a perceived need to plan for the complete political and institutional separation of whites from blacks, and in turn to a further need to fragment blacks ethnically to forestall the ultimate possibility of a compact black majority. To the extent that these attempts, under the aegis of Separate Development, have failed to win black support the prospect of such a compact black political majority in the future remains very real.

A political elite in an ethnically homogeneous society would most probably have taken a different course- the 'strategy' (probably not deliberate) of fragmenting the unenfranchised majority economically,

socially and politically through selective mobility and co-optation into the system, as was the case, broadly, in European political history. The fundamentally 'ethnic' definitions of political issues in a plural society have prevented this.

These definitions, plus the very large collective anxieties created by the symbolism of 'blood politics', have slowly eroded certain traditions which are essential bases of human rights and democratic freedoms. These traditions, like those of the colonial constitution-makers for independent Africa, are *extraneously* derived from South Africa's historical roots in and links with Britain and the West. The liberal intellectual tradition, the tradition of the rule of law, the tradition for politics to be class-based rather than ethnically based (as in the old Cape 'qualified' franchise), academic freedom and freedom of the press and speech, have all withered in the essentially different political climate of a plural society. Traditions and values must be founded in indigenous structures in order to survive. Lloyd's views given earlier are apposite.

Finally, one other feature has helped to erode traditions supportive of human rights. Dahrendorf (1967; 79-82) isolates one of the many features of Nazi Germany leading to the de-humanisation of certain minorities, as the notion of the 'untermensch' (the person not worthy of human sympathy), and Fromm (1960; *passim*) argues that sadomasochistic traits in the inhibited, insecure and demoralised lower-middle classes in Hitler Germany made large segments of the population more than willing to countenance persecution. I would argue that a plural society, in which one has a situation of 'nations within a nation', differentially privileged or 'developed' and in competition creates images of the less-'developed' outgroups akin to that of the 'untermensch'. Couple this with the insecurity and anxiety of a predominantly lower-middle class white society under pressures akin to a 'siege' then sadistic tendencies must appear. The perceptions and predispositions created by a highly conflicted plural society are ugly and totally inimical to the spirit of human rights.

12) 'Remedies' for South Africa

Democratic freedoms depend on balances of interest, cross-cutting ties and identities and built-in constraints to the free

exercise of power and coercion. To the extent that moral and economic pressures on South African white politics can operate as a constraining influence, and provide some additional bargaining power to blacks it is an obvious strategy. To the extent that it may demoralize whites and increase anxieties beyond the type of threshold that Germans crossed in the thirties it would be disastrous. Pressure must be used very wisely. No one should expect South African whites to respond to moral persuasion simply because they themselves claim to be heirs to Western traditions; they are the products of a completely different historical set of structures.

Most basically, the 'remedy' for the lack of human rights and democratic freedoms in South Africa probably lies in the following:

- a) the most rapid emergence possible of the preconditions for genuine basic consensus across race groups as far as material and welfare benefits are concerned - the system as it comes to exist must be seen as benign; worthy of fundamental loyalty. This requires reform in wages, welfare and services, on an emergency basis;
- b) the encouragement of as much genuine and accepted differentiation within the would-be 'compact' black majority as possible as a short-term priority: Greater opportunities for occupational mobility and variations in lifestyle for blacks will achieve this most readily and most acceptably. This is perhaps the highest immediate priority of all.

In the light of the earlier discussion, an extension of the franchise to all on a unitary basis *at this stage* may possibly achieve only retributive justice. There would be too little to constrain a majority black government to ensure *both* the rights of minorities and the health of the system of representation. A universal franchise is an ideal to which all who belong to the common society should strive, but its prospects of maintaining democratic rights and freedoms in the longer-run would be dubious if it were introduced under present structural conditions. Of course there should be very meaningful political reform as soon as possible but it would probably be best for rights in the future of the country if this reform were based on federal or consociational forms of government, with a great deal of decentralisation of power (not on the basis of race). The ideal would be a constitutional form which builds into the system cross-cutting cleavages and a dynamic balance of regional interests, and which also

gives weaker groups constraining powers, even if it includes a veto right;

c) the rapid political development of black constituencies, including the development of leadership, so that the full *variety* of black interests and attitudes is projected through the media. Blacks whose views are projected at this stage are either those co-opted by the state, whose views everyone knows are unrepresentative, or the most motivated and progressive blacks whose allegiance to the unitary democratic principles of 'winner take all' tend to discourage political reforms that whites might otherwise concede. There is, in fact, far greater differentiation in popular black political views than the media would suggest (Hanf, et al., 1978, Ch.9-11). Black political development would bring this healthy variety to the surface of public debate and assuage many of the anxieties which inhere in the racially divided society.

These suggestions will be seen by many as anti-progressive. All I am trying to do, however, to use Rex's words quoted earlier, is to 'take the true sociological measure of the task', as I see it.

BIBLIOGRAPHY

- Ralf Dahrendorf, 1968, *Society and Democracy in Germany*, London, Weidenfeld and Nicholson
- Karl de Schweinitz, 1964, *Industrialisation and Democracy*, The Free Press of Glencoe
- S.N. Eisenstadt, 1970, 'Social Change and Modernization in African Societies South of the Sahara', John Middleton (Ed.), *Black Africa: Its Peoples and their Cultures Today*, London, MacMillan, pp.344-358
- Erich Fromm, 1960, *Fear of Freedom*, London, Routledge and Kegan Paul
- H.H. Gerth and C. Wright Mills, 1970, *From Max Weber*, London, Routledge and Kegan Paul
- Theodor Hanf et al., 1978, *Südafrika: Friedlicher Wandel*, München/Mainz, Kaiser-Grunwald
- W.K. Jordan, 1932-1940, *The Development of Religious Toleration in England*, Cambridge, Massachusetts, Harvard University Press, (3 vols.)
- Dennis Lloyd, 1964, *The Idea of Law*, Penguin
- Michael F. Lofchie, 1970, 'Representative Government, Bureaucracy and Political Development: The African Case' in Marion E. Doro and Newell M. Stultz, *Governing in Black Africa*, Englewood Cliffs, New Jersey, Prentice Hall, pp.278-294
- Ali Mazrui, 1970, 'The Monarchical Tendency in African Political Culture', in Marion E. Doro and Newell M. Stultz, *Governing in Black Africa*, Englewood Cliffs, New Jersey, Prentice Hall, pp.18-32
- J. Dunbar Moodie, 1974, *The Rise of Afrikaner Nationalism*, Berkeley, University of California Press
- David Owen, 1978, *Human Rights*, London, Jonathan Cape
- Talcott Parsons, 1971, *The System of Modern Societies*, Englewood Cliffs, New Jersey, Prentice Hall
- John Rex, 1974, *Sociology and the Demystification of the Modern World*, London, Routledge and Kegan Paul
- Herbert J. Spiro, 1967, *Patterns of African Development*, Englewood Cliffs, New Jersey, Prentice Hall
- Ernst Troeltsch, 1960, *The Social Teachings of the Christian Churches*, vol.2, New York, Harper
- Fred von der Mehden, 1964, *Politics and the Developing World*, Englewood Cliffs, New Jersey, Prentice Hall
- Max Weber, 1930, *The Protestant Ethic and the Spirit of Capitalism*, London, Unwin



This work is licensed under a
Creative Commons
Attribution – NonCommercial - NoDerivs 3.0 License.

To view a copy of the license please see:
<http://creativecommons.org/licenses/by-nc-nd/3.0/>

This is a download from the BLDS Digital Library on OpenDocs
<http://opendocs.ids.ac.uk/opendocs/>